



October 1, 2020

Submitted Via ECF

Hon. Colleen McMahon
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Env'tl Justice Health Alliance v. CEQ*, Case No. 1:20-cv-06143-CM

Dear Chief Judge McMahon:

The parties to the above-referenced action write to seek clarification about whether the pretrial conference, originally scheduled for tomorrow, October 2, 2020, at 10:30 am, has been cancelled. The Court's Order Scheduling an Initial Pretrial Conference indicates that, if a conforming case management plan is submitted prior to the conference, and it is approved by the Court, the conference will be automatically cancelled. See ECF No. 10. Additionally, the Court's individual rules state that where there is a pending motion, the Court may choose to hold the conference to discuss the motion, or to adjourn the conference until the motion is fully briefed. See Individual Practices and Procedures, Chief Judge Colleen McMahon 6 (Jan. 28, 2020).

On September 18, 2020, the parties submitted a joint case management plan, which was approved by the Court on September 21, 2020. See ECF Nos. 18, 20. On September 25, 2020, a coalition of business associations filed a motion to intervene. See ECF Nos. 23, 24. That motion is not yet fully briefed, but plaintiffs have advised the Court that the parties will file a stipulation and proposed order outlining the terms for intervention or, if an agreement cannot be reached, plaintiffs will file a response brief by October 9, 2020. See ECF No. 30.

Given the above-described facts, the parties agree that a pre-trial conference is not necessary at this time. However, the parties are unsure whether the conference has been cancelled, as there is a pending motion before the Court, and the Court's individual rules indicate that the Court may choose to hold the conference under such circumstances. As such, the parties respectfully seek clarification about whether the Court intends to hold the conference tomorrow.

Respectfully submitted,

/c/ Claire Woods

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